



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/04/04, by Jack McGuire

SYNOPSIS AS INTRODUCED:

225 ILCS 46/25
225 ILCS 46/65

Amends the Health Care Worker Background Check Act. Prohibits a health care employer from employing or retaining an individual in a position with duties involving direct care who have committed specific offenses. Removes theft of lost or mislaid property from the list of offenses. Requires that the Health Care Worker Task Force issue an interim report to the Governor and General Assembly no later than September 1, 2004 (rather than January 1, 2004). Effective immediately.

LRB093 16577 AMC 42226 b

1 AN ACT concerning health care workers.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Health Care Worker Background Check Act is
5 amended by changing Sections 25 and 65 as follows:

6 (225 ILCS 46/25)

7 Sec. 25. Persons ineligible to be hired by health care
8 employers.

9 (a) ~~No After January 1, 1996, or January 1, 1997, as~~
10 ~~applicable, no~~ health care employer shall knowingly hire,
11 employ, or retain any individual in a position with duties
12 involving direct care for clients, patients, or residents, who
13 has been convicted of committing or attempting to commit one or
14 more of the offenses defined in Sections 8-1.1, 8-1.2, 9-1,
15 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, 9-3.3, 10-1, 10-2, 10-3,
16 10-3.1, 10-4, 10-5, 10-7, 11-6, 11-9.1, 11-19.2, 11-20.1, 12-1,
17 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3,
18 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13, 12-14,
19 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32, 12-33,
20 16-1, 16-1.3, 16A-3, 17-3, 18-1, 18-2, 18-3, 18-4, 18-5, 19-1,
21 19-3, 19-4, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, or 33A-2 of the
22 Criminal Code of 1961; those provided in Section 4 of the
23 Wrongs to Children Act; those provided in Section 53 of the
24 Criminal Jurisprudence Act; those defined in Section 5, 5.1,
25 5.2, 7, or 9 of the Cannabis Control Act; or those defined in
26 Sections 401, 401.1, 404, 405, 405.1, 407, or 407.1 of the
27 Illinois Controlled Substances Act, unless the applicant or
28 employee obtains a waiver pursuant to Section 40.

29 (a-1) After January 1, 2004, no health care employer shall
30 knowingly hire, employ, or retain any individual in a position
31 with duties involving direct care for clients, patients, or
32 residents who has (i) been convicted of committing or

1 attempting to commit one or more of the offenses defined in
2 Section 12-3.3, 12-4.2-5, ~~16-2~~, 16G-15, 16G-20, 18-5, 20-1.2,
3 24-1.1, 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3 of the Criminal
4 Code of 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois
5 Credit Card and Debit Card Act; or Section 5.1 of the Wrongs to
6 Children Act; or (ii) violated Section 10-5 of the Nursing and
7 Advanced Practice Nursing Act.

8 A UCIA criminal history record check need not be redone for
9 health care employees who were ~~have been continuously~~ employed
10 by a health care employer on or before ~~since~~ January 1, 2004,
11 but nothing in this Section prohibits a health care employer
12 from initiating a criminal history check for these employees.

13 ~~A health care employer is not required to retain an~~
14 ~~individual in a position with duties involving direct care for~~
15 ~~clients, patients, or residents who has been convicted of~~
16 ~~committing or attempting to commit one or more of the offenses~~
17 ~~enumerated in this subsection.~~

18 (b) A health care employer shall not hire, employ, or
19 retain any individual in a position with duties involving
20 direct care of clients, patients, or residents if the health
21 care employer becomes aware that the individual has been
22 convicted in another state of committing or attempting to
23 commit an offense that has the same or similar elements as an
24 offense listed in subsection (a) or (a-1), as verified by court
25 records, records from a state agency, or an FBI criminal
26 history record check. This shall not be construed to mean that
27 a health care employer has an obligation to conduct a criminal
28 history records check in other states in which an employee has
29 resided.

30 (Source: P.A. 93-224, eff. 7-18-03.)

31 (225 ILCS 46/65)

32 Sec. 65. Health Care Worker Task Force. A Health Care
33 Worker Task Force shall be appointed to study and make
34 recommendations on statutory changes to this Act.

35 (a) The Task Force shall monitor the status of the

1 implementation of this Act and monitor complaint
2 investigations relating to this Act by the Department on Aging,
3 Department of Public Health, Department of Professional
4 Regulation, and the Department of Human Services to determine
5 the criminal background, if any, of health care workers who
6 have had findings of abuse, theft, or exploitation.

7 (b) The Task Force shall make recommendations concerning
8 modifications to the list of offenses enumerated in Section 25,
9 including time limits on all or some of the disqualifying
10 offenses, and any other necessary or desirable changes to the
11 Act.

12 (c) The Task Force shall issue an interim report to the
13 Governor and General Assembly no later than September 1, 2004
14 ~~January 1, 2004~~. The final report shall be issued no later than
15 September 30, 2005, and shall include specific statutory
16 changes recommended, if any.

17 (d) The Task Force shall be composed of the following
18 members, who shall serve without pay:

19 (1) a chairman knowledgeable about health care issues,
20 who shall be appointed by the Governor;

21 (2) the Director of Public Health or his or her
22 designee;

23 (3) the Director of State Police or his or her
24 designee;

25 (4) ~~(3.5)~~ the Director of Public Aid or his or her
26 designee;

27 (5) ~~(3.6)~~ the Secretary of Human Services or his or her
28 designee;

29 (6) ~~(3.7)~~ the Director of Aging or his or her designee;

30 (7) ~~(4)~~ 2 representatives of health care providers, who
31 shall be appointed by the Governor;

32 (8) ~~(5)~~ 2 representatives of health care employees, who
33 shall be appointed by the Governor;

34 (9) ~~(5.5)~~ a representative of a Community Care
35 homemaker program, who shall be appointed by the Governor;

36 (10) ~~(6)~~ a representative of the general public who has

1 an interest in health care, who shall be appointed by the
2 Governor; and

3 (11) ~~(7)~~ 4 members of the General Assembly, one
4 appointed by the Speaker of the House, one appointed by the
5 House Minority Leader, one appointed by the President of
6 the Senate, and one appointed by the Senate Minority
7 Leader.

8 (Source: P.A. 93-224, eff. 7-18-03.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.